

REMARKS

A clarification to claim 29 is made above. The amendment should be entered as no new issues are raised. Applicant respectfully requests reconsideration of this application.

The objection to the disclosure and drawings should be withdrawn.

Applicant has already explained that the disclosure and drawings in this case are entirely sufficient. A separate petition to have those objections withdrawn is being filed. The Examiner should withdraw them based upon Applicant's previous comments.

The objection to claims 25-26 and 30-31 should be withdrawn.

Applicant is entitled to select words for its claims according to Applicant's desires as long as they are consistent with the description and originally filed claims. The use of the word "desired" is entirely consistent with Applicant's original filing. Therefore, Applicant does not have to select a word just because that word would be the Examiner's preference. Applicant respectfully declines to make the change suggested by the Examiner on page 4 of the Office Action.

As the use of the word "desired" within Applicant's claims is entirely appropriate, the objection to those claims should be withdrawn.

A separate Petition requesting withdrawal of the objection is being filed.

The rejection of claim 23 under 35 U.S.C. §112 should be withdrawn.

Applicant's disclosure describes a pressurized actuator in the context of the application in a manner that reasonably conveys to one skilled in the art that the inventors at the time the application was filed had possession of the invention claimed in claim 23. As stated on page 5, beginning at line 25 of Applicant's description, "By appropriately controlling the pressurized source 72, the actuators 70 expand and contract to cause the

platforms 28 and 30 to move in a sequential manner because the holding devices 34 and 36 prevent downward movement (according to the drawing) of the platforms.” Later, beginning at line 32 of page 5, the description states, “For example, when the actuators 70 are in an expanded position and fluid is evacuated from the actuators to cause them to contract, the second platform 30 is pulled upward toward the first platform 28. Subsequently, when the actuators are filled with pressurized fluid they expand causing the first platform 28 to be pushed upward and away from the second platform 30, which remains in position because of the operation of the holding devices 36.”

That description and the drawings clearly convey to one of skill in the art how that example embodiment operates. There is no basis for a rejection of claim 23 under 35 U.S.C. §112, first paragraph. The rejection must be withdrawn.

**The rejection of claims 18-21, 23-24, 30-31
under 35 U.S.C. §103 must be withdrawn.**

There is no *prima facie* case of obviousness. The *Meiner* reference does not have anything corresponding to a holding member that engages a vertical, flat surface of a guiderail. Instead, as the Examiner appears to at least partially recognize, the pins 5 in the *Meiner* reference project outwardly in a horizontal plane so that the truck platforms can lock over the “form and grip elements” or “shear pins.” By locking over the pins, the truck platforms in the *Meiner* reference are engaging a horizontally oriented projection such as a pin. That is not the same thing as engaging a vertically oriented surface.

Therefore, Applicant respectfully disagrees with the Examiner’s statement on page 5 of the Office Action where the Examiner contends that there is something “engaging a flat, vertical surface of the guiderail.” There is no engagement of any vertical surface for purposes of preventing movement of the truck platforms in the *Meiner* reference. Only the shear pins 5 provide any support surface upon which the truck platforms can rest during movement of the other platform.

It follows that there is no *prima facie* case of obviousness. The Examiner does not even allege how the *Meiner* reference would be modified to be consistent with Applicant's claims when giving reasons for the obviousness rejection on pages 4 and 5 of the Office Action.

It does not matter how the Examiner might hypothetically attempt to modify the *Meiner* reference to somehow make it consistent with Applicant's claimed arrangement because such a modification cannot be made. One would have to remove the intended feature of the shear pins 5 from the *Meiner* reference in order to somehow make it consistent with Applicant's claimed arrangement. Such a modification cannot be made because no modification is permissible for purposes of attempting to manufacture a *prima facie* case of obviousness when that modification removes an intended feature from a reference. Therefore, it is not possible to establish a *prima facie* case of obviousness against any of Applicant's claims based upon the *Meiner* reference. The rejection must be withdrawn.

**The rejection of claims 32 and 34
under 35 U.S.C. §103 must be withdrawn.**

Applicant respectfully traverses the rejections of claims 32 and 34 based upon the proposed combination of the *Meiner* and *Yoo* references. The proposed combination cannot be made. One cannot incorporate an elevator safety device such as that shown in the *Yoo* reference into the *Meiner* reference without removing an intended feature from the *Meiner* reference. As described above, the shear pins 5 are the only surface of engagement in the *Meiner* reference. If one were to somehow attempt to incorporate an elevator safety device as taught in the *Yoo* reference, that would require removing the pins 5 or at least eliminating them from providing any functional purpose. Such a modification to the *Meiner* reference cannot be made.

Further, a proposed combination cannot be made when there is no benefit extending from it. In this case, adding the devices of the *Yoo* reference to the arrangement of the

Meiner reference would not provide any benefit. First of all, the operation of the arrangement in the *Yoo* reference is inconsistent with the operation of the pins 5 in the *Meiner* reference. If, on the other hand, the Examiner were to somehow add the *Yoo* elevator safety devices in a manner that would not interfere with the operation of the pins 5, that would render them redundant, at best. There is simply no benefit to adding the *Yoo* devices to the arrangement of the *Meiner* reference. Without any benefit, the legally required reason for making the proposed combination is missing and there is no *prima facie* case of obviousness. The rejection must be withdrawn.

**The rejection of claims 22, 25-29 under
35 U.S.C. §103 must be withdrawn.**

There is no possible *prima facie* case of obviousness based upon the proposed combination of the *Meiner* and *Nakada, et al.* references. As discussed above, the *Meiner* reference does not have any engagement of a flat, vertical surface for purposes of preventing one of the truck platforms from moving while the other one is being moved. Adding the teachings of the *Nakada, et al.* reference does not add such a feature and the proposed combination fails to provide a result that would establish a *prima facie* case of obviousness. The rejection must be withdrawn.

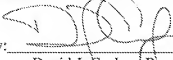
**The rejection of claim 33 under
35 U.S.C. §103 must be withdrawn.**

The proposed combination of the *Meiner, Nakada, et al.* and *Yoo* references cannot be made. As described above, the proposed combination of the *Meiner* and *Yoo* references cannot be made because it either removes the intended feature of the pins 5 or it adds the *Yoo* safety device in a redundant manner that does not provide any benefit. The proposed combination cannot be made and the rejection must be withdrawn.

Conclusion

This case is in condition for allowance. All objections and rejections should be withdrawn.

Respectfully submitted,
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